

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Case No. 2:22-cv-00125-JRG

JURY TRIAL DEMANDED



**DECLARATION OF JAMES A. SHIMOTA IN SUPPORT OF PLAINTIFF ENTROPIC
COMMUNICATIONS, LLC'S OPPOSITION TO DEFENDANT CHARTER
COMMUNICATIONS, INC.'S MOTION FOR PARTIAL
SUMMARY JUDGMENT OF NO PRE-SUIT DAMAGES**

I, James A. Shimota, declare:

1. I am a Partner with the law firm of K&L Gates LLP and counsel of record for Plaintiff Entropic Communications, LLC (“Entropic”) in the above-captioned matter. I submit this declaration in support of Entropic’s Opposition to Charter Communications, Inc.’s (“Charter”) Motion for Partial Summary Judgment of No Pre-Suit Damages. I have personal knowledge of the matters stated herein and, if called to testify to such matters, I could and would testify hereto.

2. Attached as Exhibit A is a true and correct copy of Plaintiff’s Exhibit D to Plaintiff’s Initial Infringement Contentions, which was served on Charter on July 5, 2022.

3. Attached as Exhibit B is a true and correct copy of Exhibit D to Plaintiff’s First Supplemental Infringement Contentions, which was served on Charter on March 3, 2023.

4. Attached as Exhibit C is a true and correct copy of Exhibit E to Plaintiff’s Initial Infringement Contentions, which was served on Charter on July 5, 2022.

5. Attached as Exhibit D is a true and correct copy of Exhibit E to Plaintiff’s First Supplemental Infringement Contentions, which was served on Charter on March 3, 2023.

6. Attached as Exhibit E is a true and correct copy of Exhibit E to Plaintiff’s Second Supplemental Infringement Contentions, which was served on Charter on June 23, 2023.

7. Attached as Exhibit F is a true and correct copy of the Opening Expert Report of Dr. Richard A. Kramer Concerning Infringement of U.S. Patent No. 8,223,775 and U.S. Patent No. 9,210,362 (“Kramer Op. Rep.”), which was served on Charter on July 21, 2023.

8. Attached as Exhibit G is a true and correct copy of the Opening Expert Report of Dr. Shukri Souri, Ph.D Regarding Infringement of U.S. Patent Nos. 8,792,008, 10,135,682, 8,284,690, 9,825,826 (“Souri Op. Rep.”), which was served on Charter on July 21, 2023.

9. Attached as Exhibit H is a true and correct copy of the original complaint filed by Mobile Equity Corp. in *Mobile Equity Corp. v. Walmart Inc.*, No. 2:21-cv-00126, Dkt. 1 (E.D. Tex. Apr. 7, 2021).

I certify under penalty of perjury under the laws of the United States that the foregoing statements are true and correct. Signed this 25th day of September, 2023.

/s/ James A. Shimota
James A. Shimota

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a) and served via electronic mail on all counsel of record on this twenty-fifth day of September, 2023.

/s/ James A. Shimota
James A. Shimota

CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL

Pursuant to Local Rule CV-5, the undersigned counsel hereby certifies that authorization for filing the included exhibits under seal has been previously granted by the Court in the Protective Order (Dkt. 36) entered in this case on August 10, 2022.

/s/ James A. Shimota
James A. Shimota